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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/774,281      | 02/06/2004  | Yu Zheng             | PAT-1536-CIP        | 8492             |

7590 10/23/2006

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| EXAMINER |
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DONNELLY, JEROME W

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3764

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/774,281

Applicant(s)

ZHENG, YU

Examiner

Jerome W. Donnelly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected. 1-10, 12 and 13
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to. 11 is
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale in view of Joo-Tai.

Hale discloses a device comprising a tunnel-like structure and a plush toy.

In regard to claim 4, Hale discloses a device having a floor, which is angled, (applicant has not claimed an angle).

In regard to claim 5 Hale discloses a device comprising an electronic device, which is attached to basket (14) through other elements of the device.

In regard to claim 8, element 34 is an appendage.

In regard to claim 12 and 13 the device of Hale as disclosed and has a power supply in the form of a battery and a switch directly or indirectly coupled to an electronic device.

Hale however does not disclose his tunnel-like passage as being coiled.

Joo-Tai however discloses a similar container wherein the container is a coiled loop, having an opening, tie members (17) positioned as shown in Fig. 3 on both ends of the tunnel-like member, a floor angled 90° from its side walls, a lid (20) hingedly at element (21) a sleeve (12) retaining a coiled wire.

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In regard to claims 1, 2, 3, 6, 7, 9 and 10 and given the above teachings of Joo-Tai and given the teachings of Hale of using a container as a device on which to mount a figurine the examiner notes that it would have been obvious to one of ordinary skill in the art to substitute the container of Hale with a container such as shown by Joo-Tai as means by which to make the device of Hale more portable.

In regard to claim 10, the examiner considers the upper rim of the device of Joo-Tai as being a portion of the sleeve upon which the backboard appendages and electronic element are mounted. Hale discloses in col. 3 lines 48 through col. 4 lines 1-25 that different element of electronic configuration may be positioned at various locations on the device which is attached to the tunnel-like structure at the upper sleeve area.

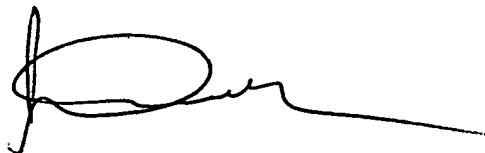
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the overall device of Poynter, Bear, Hale (5762569) and Stewart.

Note the overall device of Peska and opening 18 and 16 of Peska.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly

JEROME DONNELLY  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', with a long horizontal line extending to the right.